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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,798

01/31/2006

Edward F. Spellman

ES-101

8974

37053

7590

03/10/2009

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

03/10/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,798	<b>Applicant(s)</b> SPELLMAN, EDWARD F.	
	<b>Examiner</b> Alfred Joseph Wujciak III	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-9,12,13,17-20,22-27 and 42-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1,4,6-8,18,22-27 and 42-45 is/are rejected.
- 7) ☒ Claim(s) 17,19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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This is the non-final Office Action for the serial number 10/566,798, VEHICLE SEAT MOUNT EQUIPMENT RACK, filed on 1/31/06.

The finality sent out on 10/6/08 has been withdrawn in view of new ground rejection.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the shank wall" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 22, line 3, "softened" is indefinite because the examiner does not understand what the applicant is trying to define "softened" in or on the shelf.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 4, 6, 8, 18 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication # 2003/0150892 to Hoe in view of US Patent # 6,231,017 to Watkins.

Hoe teaches a rack comprising a hook bar assembly (figure 2) having a guide portion (14) and at least one longitudinally sliding portion (11-12) telescopically engaged with the guide portion. The hook bar has two end hooks placed on distal longitudinally outward end of the bar. The assembly includes a spring (13) for biasing two end hooks with respect to each other. The inside walls of the end hook are shaped for establishing only two lines of contact between the end hook and the headrest post. The end hook is biased longitudinally outward and the end hook opens longitudinally outward.

Hoe teaches the hook bar assembly but fails to teach a horizontal shelf mounted on hook bar assembly. Watkins teaches the shelf (44). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added shelf to Hoe's assembly as taught by Watkins to provide support for video equipment in motor vehicle (column 1, lines 66-67 and column 2, lines 1-3 in Watkins's invention).

Regarding to claims 4,6 and 44-45, Hoe teaches the end hook has a forward/rearward opening hook with inside walls, longitudinally straight shank wall that extends outward end of the shank, a straight finger wall extending from the longitudinally outward end of the shank wall but fails to teach the straight finger is angled forward/rearward inward relative to the shank wall. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the straight finger to angled forward/rearward inward relative to the shank wall to prevent the hook end from slipping out of a headrest post when mounted thereon.

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Regarding to claim 8, Hoe teaches the end hook has an outward opening hook with inside walls including forward finger extending forward and longitudinally outward and a rearward finger wall extending rearward and longitudinally outward but fails to teach the forward finger wall and the rearward finger wall are angled relative to each other. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the forward finger wall and rearward finger wall to be angled relative to each other to prevent the hook end from slipping out of a headrest post when mounted thereon.

Regarding to claim 18, Hoe teaches the guide portion and at least one sliding portion but fails to teach a tolerance bump extending between guide portion and at least one sliding portion. However in figure 7 of Hoe's invention which is a different embodiment shows tolerance bump (projections part of element 70 in the guide portion and sliding portion). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the tolerance bump to lock the guiding portion and sliding portion in position (section 0041).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoe in view of Watkins in view of US Patent # 4,564,548 to Fast.

Hoe in view of Watkins teaches the shelf but fails to teach the shelf has a softened laterally rear edge. Fast teaches the softened laterally rear edge (40, plastic, column 6, line 46). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the softened laterally rear edge to Hoe in view of Watkins's shelf as taught by Fast to provide protection on the shelf to avoid injury (column 6, lines 41-48 in Fast's invention).

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Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoe in view of Watkins and in further view of US Patent # 6,503,019 to Wang.

Hoe in view of Watkins teaches the hook but fails to teach the hook is mounted on compressible sleeve. Wang teaches the compressible sleeve (32, rubber coat). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added compressible sleeve to Hoe in view of Watkins's hook as taught by Wang to provide protection on the post.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoe in view of Watkins and in further view of US Patent # 4,665,559 to Benun.

Hoe in view of Watkins teaches an audio transmitter (audio from TV) but fails to teach an audio cord and audio plug. Benun teaches the audio cord (45) and audio plug (36,40). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the audio cord and audio plug to Hoe in view of Watkins's TV as taught by Benun to receive FM and FM-stereo TV signals (column 1, lines 11-19 in Benun's invention).

Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoe in view of Watkins and in further view of US Patent # 5,201,677 to Takayama.

Hoe in view of Watkins teaches the rack but fails to teach a power jack, power cord and power plug. Takayama teaches the power jack module (figure 1), power cord (wires extending out of element 52). It would have been obvious for one of ordinary skill in the art at the time the

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invention was made to have added power jack and power cord to supply power to TV set (column 1, lines 8-9 in Takayama's invention).

Hoe, Watkins in view of Takayama teaches the power jack and power cord but fails to teach power plug. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added power plug to provide detachable support between TV and cord when TV is not being used.

***Allowable Subject Matter***

Claim 7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 17, 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9 and 12-13 are allowed.

***Response to Arguments***

Applicant's arguments with respect to claims 1, 4, 6-8, 17-20, 22-27 and 42-45 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alfred Joseph Wujciak III/  
Primary Examiner, Art Unit 3632  
3/6/09